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**Applicant:** Dick et al.  
**Application No.:** 10/689,485**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

What is claimed is:

1. (Original) A data packet for transmission over a random access channel within a wireless spread spectrum code division multiple access communication system, the data packet comprising:

a preamble portion and a non-preamble portion, each having an associated processing gain; wherein the preamble portion processing gain is higher than the non-preamble portion processing gain.

2. (Original) A method of claim 1 wherein a transmission power level of the preamble portion differs from the non-preamble portion.

3. (Original) The data packet of claim 1 wherein the preamble and non-preamble error encoding gains are a result of processing the data packet with a first and second convolutional encoder, respectively.

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4. (Original) The data packet of claim 3 wherein the first convolutional encoder is a  $7/8$  convolutional encoder and the second convolutional encoder is a convolutional encoder in the range of a  $1/3$  to  $1/2$  convolutional encoder.

5. (Original) The data packet of claim 1 wherein the preamble processing gain is a first spreading factor and the non-preamble processing gain is a second spreading factor.

6. (Original) The data packet of claim 1 wherein the random access channel is a common packet channel.

7. (Newly Added) A method for transmitting data over a random access channel by a wireless spread spectrum code division multiple access user equipment, the method comprising:

formatting non-control data by at least using a convolutional encoder for transmission in a non-preamble portion;

transmitting a random access transmission having a preamble portion and the non-preamble portion; and

wherein a factor applied to the formatted non-control data in the non-preamble portion differs from a gain factor applied to other data in response to a

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formatting of the formatted non-control data with respect to a formatting of the other data.

8. (Newly Added) The method of claim 7, wherein a transmission power level of the preamble portion differs from the non-preamble portion.

9. (Newly Added) The method of claim 7, wherein the preamble and non-preamble error encoding gains are a result of processing the data packet with a first and second convolutional encoder, respectively.

10. (Newly Added) The method of claim 9, wherein the first convolutional encoder is a 7/8 convolutional encoder and the second convolutional encoder is a convolutional encoder in the range of a 1/3 to 1/2 convolutional encoder.

11. (Newly Added) The method of claim 7, wherein the preamble processing gain is a first spreading factor and the non-preamble processing gain is a second spreading factor.

12. (Newly Added) The method of claim 7, wherein the random access channel is a common packet channel.

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13. (Newly Added) A wireless spread spectrum code division multiple access user equipment (UE) for transmitting over a random access channel, comprising:

a convolutional encoder for formatting non-control data; and

a transmitter for transmitting a random access transmission having a preamble portion and a non-preamble portion;

wherein a factor applied to the formatted non-control data in the non-preamble portion differs from a gain factor applied to other data in response to a formatting of the formatted non-control data with respect to a formatting of the other data.

14. (Newly Added) The UE of claim 13, wherein a transmission power level of the preamble portion differs from the non-preamble portion.

15. (Newly Added) The UE of claim 13, wherein the preamble and non-preamble error encoding gains are a result of processing the data packet with a first and second convolutional encoder, respectively.

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16. (Newly Added) The UE of claim 15, wherein the first convolutional encoder is a  $7/8$  convolutional encoder and the second convolutional encoder is a convolutional encoder in the range of a  $1/3$  to  $1/2$  convolutional encoder.

17. (Newly Added) The UE of claim 15, wherein the preamble processing gain is a first spreading factor and the non-preamble processing gain is a second spreading factor.

18. (Newly Added) The UE of claim 13, wherein the random access channel is a common packet channel.